

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER (ST) NO. 31939 OF 2015****ALONGWITH****CIVIL APPLICATION (ST) NO.31940 OF 2015****IN****APPEAL FROM ORDER (ST) NO. 31939 OF 2015****Vinod S.Jain****..... Appellant****VERSUS****Brihanmumbai Electric Supply and Transport
& Ors.****..... Respondents**

Mr.M.S.Karnik, i/b. Mr.Mandar Soman for the Appellant.

Mr.Rakesh Singh, a/w. Ms.Kavita Jain, i/b. M.V.Kini & Co. for Respondent Nos. 1 and 2.

Mr.S.K.Jain, i/b.S.K.Jain & Co. for Respondent nos.4 and 5.

CORAM : R.D. DHANUKA, J.**DATED : 3rd DECEMBER, 2015****P.C.**

Mr. Jain, learned counsel for the respondent nos. 4 and 5 states that his clients have already applied for electricity meter in their name on 4th November, 2015 and has also complied with all the formalities. Mr.Karnik, learned counsel appearing for the appellant has no objection if the said application by respondent nos. 4 and 5 is pursued and if the electricity meter is issued in the name of the respondent nos. 4 and 5 without prejudice to the rights and contentions of the appellant (plaintiff) and defendant nos. 4 and 5. Statement of learned counsel for both the parties are accepted.

2. Learned counsel appearing for respondent no.1 states that if all other

formalities are complied with by the respondent nos. 4 and 5, electricity meter would be issued in their name expeditiously. Respondent no.1 shall point out the non-compliance if any which is required to be complied with by the respondent nos. 4 and 5 for the purpose of granting electricity meter in the name of the respondent nos. 4 and 5 within one week from today. The respondent nos. 4 and 5 shall comply with the same within one week from the date of such communication from the respondent no.1.

3. In view of the order passed in the aforesaid appeal from order, Mr.Karnik, learned counsel for the appellant states that his client would withdraw the suit filed in the City Civil Court within two weeks from today. Statement is accepted.

4. Appeal from order is disposed of in the aforesaid terms. No order as to costs. In view of disposal of the appeal from order, civil application does not survive and is accordingly disposed of.

5. All parties to act on authenticated copy of this order.

[R.D. DHANUKA, J.]